



# Agriculture Act 1957

## 1957 CHAPTER 57

### PART II

#### GRANTS FOR FARM IMPROVEMENTS AND AMALGAMATIONS

#### 12 Grants for long-term improvements of agricultural land

- (1) With a view to assisting in the making of long-term improvements for the benefit of agricultural land the Minister may make out of moneys provided by Parliament grants towards the cost of such improvements of a kind mentioned in the Second Schedule to this Act as he may approve for that purpose, being improvements proposed in applications made to him within ten years from the commencement of this Part of this Act or such further time as may be allowed by an order under subsection (5) of this section.
- (2) An application under this section may be made by any person having an interest in the land for the benefit of which such an improvement is proposed or by any person intending to acquire such an interest if the improvement is approved, and shall contain such particulars as the Minister may require.
- (3) An application under this section may propose more than one improvement and the Minister may, as he thinks fit, either refuse to approve a proposed improvement or approve it in whole or in part and subject to any conditions he may specify; but he shall not approve any improvement unless he is satisfied—
  - (a) that the land for the benefit of which the improvement is proposed is agricultural land occupied together with buildings and is capable of yielding a sufficient livelihood to an occupier reasonably skilled in husbandry, or will be capable of doing so as a result of the improvement; and
  - (b) that the cost of the improvement will not be unreasonably high in relation to the benefit to be derived therefrom; and
  - (c) that the improvement is of such a nature that a prudent landlord, having regard to its cost and to all other circumstances, would be willing to make it himself or to pay compensation (whether or not he was liable under any enactment to do so) to a tenant for making it.

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*Status: This is the original version (as it was originally enacted).*

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- (4) The Ministers may from time to time by order vary the Second Schedule to this Act, but without prejudice to the payment of any grant towards the cost of an improvement approved before the coming into operation of the order.
- (5) The Ministers may from time to time by order extend the time within which applications under this section may be made, but not beyond twelve years from the commencement of this Part of this Act.

### **13 Amount and payment of grants under s. 12**

- (1) The amount of any grant payable under this Part of this Act towards the cost of an improvement shall, subject to the following provisions of this section, be one-third of that cost so far as approved by the Minister as having been reasonably incurred.
- (2) The Ministers may by regulations provide that the cost of any improvement specified in the regulations, or of a specified part of any such improvement, shall, at the option of the applicant for a grant under the last foregoing section, be taken to be such amount as may be so specified; and the amount of any grant payable under this Part of this Act towards the cost of such an improvement shall, if the applicant for the grant so elects in his application and the improvement is approved while the regulations are in force, be one-third of the amount so specified or, where the regulations make provision for the cost of part only of an improvement, one-third of the sum of the amount so specified for that part and of the actual cost (so far as approved by the Minister as having been reasonably incurred) of the remainder of the improvement, subject in either case, however, to the next following subsection.
- (3) The Minister may reduce the amount of the grant or withhold the grant in any case where assistance in respect of the improvement is given under any other Act of Parliament.
- (4) The grant shall be payable to the person or persons by whom or on whose behalf the work required for making the improvement is done and may be paid on the completion of that work or by instalments on the completion of parts thereof.
- (5) This section has effect subject to the provisions of section fifteen of this Act.

### **14 Revocation of approval and recovery of grant**

- (1) Where, after the Minister has approved a proposed improvement, it appears to him that the work required for making the improvement has been badly done, or has been or is being unreasonably delayed, or is unlikely to be completed, or that any condition subject to which the approval was given has not been or will not be complied with, he may revoke the approval in whole or in part.
- (2) Before revoking his approval the Minister—
  - (a) shall, if so requested, give to any person who appears to him to have an interest in the land concerned or to whom the relevant grant would be payable, a written notification of the reasons for the proposed revocation; and
  - (b) shall afford to every such person an opportunity of appearing before and being heard by a person appointed for the purpose by the Minister, and shall consider the report of that person.

- (3) If before the revocation any payment was made by way of grant towards the cost of the improvement, or, if the approval is revoked in part only, towards the cost of so much of the improvement as is no longer approved, the Minister may recover the payment.

## **15 Special provisions as to cattle-grids**

- (1) The following provisions of this section shall have effect where an improvement proposed in an application under section twelve of this Act consists of a cattle-grid to be provided in pursuance of the Highways (Provision of Cattle-Grids) Act, 1950, by an appropriate authority within the meaning of that Act.
- (2) If under an agreement entered into by the authority under section ten of that Act any contribution towards the cost of providing the cattle-grid falls to be made by any other person, any grant made towards that cost under this Part of this Act shall be paid to that person instead of to the authority and the amount of the grant shall be one-third of the amount of his contribution, unless reduced as mentioned in subsection (3) of section thirteen of this Act.
- (3) Where any grant has been paid to any person as provided by this section and any amount paid by him to the appropriate authority becomes repayable, one-third of that amount (or, where the grant was a smaller proportion of his contribution, that proportion of the amount) shall become payable by that person to the Minister.

## **16 Grants towards costs of amalgamation**

- (1) With a view to securing the formation of economic units of agricultural land the Minister may make out of moneys provided by Parliament grants towards the costs of such transactions proposed in applications made to him under this section as he may approve for that purpose, being such costs as are mentioned in the next following subsection.
- (2) An application under this section may be made within the time within which applications under section twelve of this Act may be made and may propose any transactions necessary or expedient for securing that agricultural land which is not an economic unit, but which together with some other agricultural land could form an economic unit, shall be owned and occupied with that other land; and the said costs are surveyor's fees and legal costs, stamp duty on any conveyance, tenancy agreement or mortgage, and any compensation for disturbance payable under section thirty-four of the Agricultural Holdings Act, 1948.
- (3) An application under this section may be made by any person having an interest in any of the land the ownership and occupation of which as a unit is proposed in the application or by any person intending to acquire such an interest if the proposed transactions are approved, and shall contain such particulars as the Minister may require.
- (4) The Minister may, as he thinks fit, approve a proposed transaction or refuse to approve it, and may give his approval subject to any conditions he may specify.
- (5) In this section "economic unit" means a unit capable of yielding a sufficient livelihood to an occupier reasonably skilled in husbandry.

## **17 Amount and payment of grants under s. 16**

- (1) The amount of any grant payable under the last foregoing section towards any costs shall be one-third of those costs so far as approved by the Minister as having been reasonably incurred.
- (2) The grant shall be paid on the completion of all the transactions towards the costs of which it is made and shall be paid to the person or persons by whom the costs were incurred; but if after any payment has been made by way of grant it appears to the Minister that any condition subject to which his approval was given has not been or will not be complied with he may revoke the approval and recover the payment.
- (3) Before revoking his approval the Minister—
  - (a) shall, if so requested, give to any person who appears to him to have an interest in the land concerned or to whom the relevant grant would be payable, a written notification of the reasons for the proposed revocation; and
  - (b) shall afford to every such person an opportunity of appearing before and being heard by a person appointed for the purpose by the Minister, and shall consider the report of that person.

## **18 Limit of aggregate amount of grants under Part II**

The grants made under this Part of this Act shall not together exceed the sum of fifty million pounds or such greater amount, not exceeding fifty-five million pounds, as the Ministers may by order determine.

## **19 Supplementary provisions as to orders and regulations**

- (1) Any power of the Ministers to make orders or regulations under this Part of this Act shall be exercised with the consent of the Treasury.
- (2) A statutory instrument containing regulations under section thirteen of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) An order under subsection (4) or subsection (5) of section twelve of this Act shall be of no effect unless approved by a resolution of each House of Parliament, and an order under section eighteen of this Act shall be of no effect unless approved by a resolution of the Commons House of Parliament.

## **20 Interpretation of Part II**

In this Part of this Act the following expressions have the meanings hereby respectively assigned to them, that is to say—

" agricultural land " means land used for agriculture;

" the Minister ", means, in relation to England and Wales or Northern Ireland, the Minister of Agriculture, Fisheries and Food, and, in relation to Scotland, the Secretary of State;

" the Ministers " means the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland, acting jointly.

## **21 Application of Part II to Scotland**

This Part of this Act shall, in its application to Scotland, have effect subject to the following modifications, that is to say—

- (a) in subsection (2) of section twelve and in subsection (3) of section sixteen, after the words " having an interest" there shall be inserted the words " as proprietor or as tenant ";
- (b) in subsection (2) of section sixteen, for the references to a mortgage and to section thirty-four of the Agricultural Holdings Act, 1948, there shall be substituted respectively references to a heritable security and to section thirty-five of the Agricultural Holdings (Scotland) Act, 1949.

## **22 Application of Part II to Northern Ireland**

This Part of this Act shall, in its application to Northern Ireland, have effect subject to the following modifications, that is to say:—

- (a) in subsection (2) of section twelve and subsection (3) of section sixteen, after the words " having an interest" there shall be inserted the words " as proprietor or as tenant ";
- (b) section fifteen shall not apply;
- (c) the reference in subsection (2) of section sixteen to legal costs shall include a reference to the costs of obtaining any requisite consent of the Ministry of Finance.